

## **Chapter 35**

### **EMERGENCY MANAGEMENT**

#### **Sec. 35-1. Adopted.**

The Emergency Management Act (Public Act 390 of the Public Acts of the State of Michigan of 1976, as amended) is hereby adopted as the city emergency management ordinance and made a part of this chapter as if fully set out herein, except such portions as are amended or deleted by the provisions of this chapter.  
(Ord. No. 1465, § 1, 1-10-00)

#### **Sec. 35-2. Title.**

This chapter shall be known and may be cited as the "City of Midland Emergency Management Ordinance."  
(Ord. No. 1465, § 1, 1-10-00)

#### **Sec. 35-3. Purpose.**

The purpose of this chapter is to provide for the planning, mitigation, preparedness, response and recovery from natural and human-made disasters within the City of Midland by being part of the County of Midland's emergency management program; to appoint the county emergency management coordinator as the City of Midland's municipal emergency management coordinator; to provide a means for coordinating resources of the city with those of the county; to appoint an emergency management liaison to work with the emergency management coordinator; and to provide a means through which the city council may exercise the authority and discharge the responsibilities vested in it by this ordinance and Act No. 390 of the Public Acts of the State of Michigan of 1976, as amended.  
(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

#### **Sec. 35-4. Definitions.**

The terms used herein shall have the same meaning as given them in Act No. 390 of the Public Acts of the State of Michigan of 1976, as amended, or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used this chapter:

*Act* means Public Act 390 of the Public Acts of the State of Michigan of 1976, as now in effect or hereinafter amended.

*Chief executive official* means the city manager of the city.

*City or municipality* means City of Midland.

*Council or city council* means the city council of the city.

*County* means the County of Midland.

*Disaster* means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to fire, flood, snowstorm, ice storm, tornado, windstorm, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

*Disaster relief force* means all agencies of county and city government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Midland County emergency operations plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.

*District coordinator* means the Michigan Department of State Police emergency management and homeland security division district coordinator who serves as liaison between the office of emergency management and the Michigan Department of State Police, emergency management and homeland security division in all matters pertaining to emergency and disaster situations.

*Emergency management liaison* means the person designated by the council to assist the municipal emergency management coordinator in coordinating the emergency management activities within the city.

*Emergency management program* means the program established to coordinate planning, mitigation, preparedness, response and recovery activities for emergency, disaster and homeland security situations within a given geographic area made up of one (1) or several political subdivisions. Such a program has an appointed emergency management coordinator and meets the program standards and requirements as established by the department of state police, emergency management and homeland security division. The Midland County Office of Emergency Management conducts this program.

*Emergency operations plan* means the plan developed and maintained by the county for the purpose of responding to emergency or disaster situations by identifying and organizing the disaster relief force.

*Governor's state of disaster* means an executive order or proclamation by the governor that implements the emergency response and recovery aspects of the Michigan emergency management plan and applicable local plans of the county or city programs affected.

*Governor's state of emergency* means an executive order or proclamation by the governor that implements the emergency response and recovery aspects of the Michigan emergency management plan and applicable local plans of the county or city programs affected.

*Heightened state of alert* means an executive order or proclamation by the Governor that authorizes the Governor to safeguard the interests of the State, to prevent or respond to acts of terrorism, or to facilitate the apprehension of terrorists, for a specific period of time, using powers provided in Act 390 of 1976 as amended, when good cause for such an order or proclamation exists.

*Local state of emergency* means a declaration that activates the response and recovery aspects of any and all applicable local or interjurisdictional emergency operations plans and authorizes the furnishing of aid, assistance, and directives under those plans.

*Municipal emergency management coordinator* means the person designated by the council to coordinate all matters pertaining to emergency management within the city.

*National Incident Management System (NIMS)* means a core set of doctrine, concepts, principles, terminology and organizational processes as established by the United States department of homeland security to enable effective, efficient and collaborative incident management at all levels of government.

*Office of emergency management* means the County of Midland office of emergency management.  
(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

#### **Sec. 35-5. Municipal emergency management coordinator--Appointment.**

The Midland County emergency management coordinator is hereby appointed as the municipal emergency management coordinator for the city. In addition to acting on behalf of, and at the direction of, the chairman of the county board of commissioners, the municipal emergency management coordinator shall also act on behalf of, and at the direction of, the city manager.  
(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

#### **Sec. 35-6. Same--Duties.**

The municipal emergency management coordinator shall comply with the standards and requirements as established by the department of state police, emergency management and homeland security division, under the authority of the act, in accomplishing the following:

- (a) Direct and coordinate the development of the County of Midland/City of Midland emergency operations plan.
- (b) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- (c) Identify departments and agencies to be included in the County of Midland/City of Midland emergency operations plan as part of the disaster relief force.
- (d) Develop and maintain data on available resources.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer personnel.
- (f) Assure the emergency management program meets eligibility requirements for state and federal aid.
- (g) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and test the adequacy of the emergency operations plan.
- (h) Through public information programs, educate the population of the city of actions necessary for the protection of life and property in an emergency or disaster.
- (i) Assist in the development of mutual aid agreements.
- (j) Assist the city in the development of standard operating procedures which are consistent with the emergency operations plan.

- (k) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the emergency operations plan.
- (l) Coordinate emergency management activities with all municipalities in Midland County, surrounding counties and municipalities, and the state.
- (m) Coordinate all preparedness activities including establishing and maintaining an emergency coordinating center as necessary.
- (n) Identify mitigation opportunities within the City and encourage the implementation of mitigation measures where feasible.

(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

**Sec. 35-7. Emergency management liaison; appointment, duties.**

The city manager, or his designee, shall perform the duties of the emergency management liaison for the purpose of assisting the municipal emergency management coordinator in coordinating the emergency management activities within the city. The city manager shall appoint a minimum of two (2) city employees as successors to the position of the city liaison, the names of which along with the line of succession shall be provided to the municipal emergency management coordinator. The duties of the liaison are as follows:

- (a) Coordinate municipal emergency management activities with those of the county and adjacent jurisdictions.
- (b) Assist the municipal emergency management coordinator in the development of the emergency operations plan and the incorporation of city resources in the plan.
- (c) Identify city resources and agencies to be included in the emergency operations plan as part of the disaster relief force.
- (d) Identify city resources and forward information to the municipal emergency management coordinator.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer resources within the city.
- (f) Assist the municipal emergency management coordinator with administering training programs.
- (g) Coordinate city participation in exercises conducted by the county.
- (h) Assist in the development of mutual aid agreements.
- (i) Assist in educating the population of the city of actions necessary for the protection of life and property in an emergency or disaster.
- (j) Identify and collect damage assessment information within the city and forward to the county.
- (k) Develop standard operating procedures for disaster response that are consistent with the

emergency operations plan.  
(Ord. No. 1465, § 1, 1-10-00)

**Sec. 35-8. Review of emergency operations plan and municipal emergency management coordinator.**

The city manager shall review effectiveness of the County of Midland/City of Midland emergency operations plan as the plan relates to the city at least once every four (4) years. He shall make recommendations to the municipal emergency management coordinator of any changes that may be needed. After this review and incorporation of necessary changes, the city council shall certify the plan to be current and adequate for the City of Midland.

On an annual basis, the city manager shall review the eligibility and performance of the municipal emergency management coordinator and make recommendations to the city council as necessary.  
(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

**Sec. 35-9. Declaration of local state of emergency.**

When circumstances within the city indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists, the city manager or designee may declare a local state of emergency. Such a declaration shall be promptly filed with the Midland County office of emergency management, which shall forward it to the department of state police, emergency management and homeland security division. If a state of disaster or emergency or heightened state of alert is declared by the Governor, the city manager shall assign and make available for duty the employees, property, or equipment of the City of Midland within or without the physical limits of the City of Midland as ordered by the governor or the director of the Michigan Department of State Police in accordance with the Act.  
(Ord. No. 1465, § 1, 1-10-00; Ord. No. 1637, § 1, 7-9-07)

**Section 35-10. National Incident Management System.**

All disaster relief forces as described in Section 35-4 shall comply with and operate under the published standards, guidelines and compliance protocols of the national incident management system as provided by the United States department of homeland security.  
(Ord. No. 1637, § 2, 7-9-07)